

REGULAR CITY COUNCIL MEETING
JULY 8, 1996

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Dale Roper	Council Member
Glen Swalberg	Council Member

ABSENT

None

OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Greg Schafer	City Employee
Vince Lopez	
Darin Phelps	Chronicle/Progress
Thayne Maxfield	City Resident

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio stations, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Glen Swalberg offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Special City Council Meeting held June 25, 1996 were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Dale Roper. Mayor

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Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Public Hearing held July 1, 1996 at 6:30 p.m. were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Glen Swalberg MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Public Hearing held July 1, 1996 at 6:45 p.m. were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO BUSINESS LICENSE ORDINANCE

This item is to be put on the agenda for the July 22, 1996 Regular City Council Meeting for final approval.

COUNCIL MEMBER GLEN SWALBERG: BEAUTIFICATION ORDINANCE ENFORCEMENT

Council Member Swalberg distributed the following memo to Council Members:

TO: Delta City Council

FROM: Councilman Glen Swalberg

In regards to our Beautification, and Property Cleanup Project, we have been discussing, and are getting ready to approve, I would like to report a change in my recommendation for procedure.

After a discussion with 2 past Mayors, and consideration our own thoughts from our last Council Meeting, I would offer the following change. I have also discussed this with Mayor Dafoe, and City

Attorney Richard Waddingham.

Since we all pretty well agreed, the actual notice that is sent to the property [owner] would have much more clout if it were signed, and sent under the signature of the Mayor, and in the fact that the members who have accepted calls to our committee at this time, we should consider that this committee, also be the appeals committee, (board of adjustment), as is sometimes referred to.

By doing this, the City Council and Mayor can be the notice senders, and we really do make the final decision as to who is sent such notice, therefore it is a declaration that we are all one in support of the action, and will definately have a profound affect upon the property owner who receives the notice.

It was suggested by Richard, that we should have three on the appeals board. This could be the Chairperson, and any two of the total committee of five. I feel this would be a good arrangement.

Council Member Swalberg wanted to discuss a change in the decision made at the last City Council Meeting to have Neil Forster be the inspection officer and signing the notice sent to property owners. Council Member Swalberg suggested that the notice sent to the property owner would have more "clout" if signed by the Mayor and requested that members of the Beautification Advisory Committee act as the appeals committee, or board of adjustment committee. This would allow the Mayor and City Council to send the notices out and make the final decision as to which property owners notices would be sent.

Council Member Swalberg also presented a copy of a proposed letter to be sent to the property owner, along with a legal notice, which has been prepared by Attorney Waddingham. The proposed letter is as follows:

Dear Property Owner:

Along with this letter you have received a notice of our Delta City Ordinance, concerning the cleanup of your property located in our city limits. We sincerely hope you will realize the importance of complying with this request and cooperate in taking care of this problem. We are not trying to make a hardship on you, but only making our city nicer,

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cleaner and more attractive. Delta has changed. We receive many more visitors and tourists than in years past. We all need to take more pride in how our city looks.

If it is impossible for you to cleanup your property, and if you will notify us within your time period, (15 days), we do have some groups and youth organizations who will help in the cleanup at a very reasonable cost to you. Also if you have bulky, heavy items that may need hauling off, and you request help, there is private equipment, and at our discretion some city equipment that may be made available at little or no cost to you depending on the load, etc. If you wish this service, you must notify us within the proper time frame.

We want to thank you for your cooperation in helping Delta's new cleanup policy. If we all pitch in together we can really make a difference in how Delta looks, and help instill pride in our community.

Thank you,

Delta City Council
Don Dafoe, Mayor

Council Member Swalberg reported that, of the five proposed committee members he had talked with, Ruth Hansen stated that she does not want to serve on the committee. As an alternate, Andrea Thorpe was contacted by Council Member Swalberg to serve on the committee. He talked with Leland Roper, who did not want to be on the Beautification Advisory Committee, nor be the Chairperson, but would like to be on a committee to assist in cleaning up property. Council Member Swalberg also talked with Lee Wankier, who has not yet made up his mind whether or not to participate in the committee. Mrs. Bonnie Ivie has agreed to serve on the committee. Mrs. Anne Marie Mankin has also agreed to serve on the committee. Council Member Swalberg suggested that Mike Rose be selected to fill the position which Leland Roper declined and requested permission from the Council to contact Mr. Rose. After all committee members have been selected, a chairman will be appointed. He also requested suggestions for additional committee members in the event that Mr. Rose or Mr. Wankier decline. Council Member Robert Dekker requested clarification of the duties of the Beautification Advisory Committee and was

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advised of the responsibilities of the proposed committee. Attorney Waddingham mentioned that the ordinance would need to be changed if someone other than the City Council act as an appellate board.

There was lengthy discussion regarding the enforcement officer, appeals board, and notices to be sent to property owners. It was determined that the first contact with a property owner should be a letter requesting the property be cleaned up. The second letter will advise of legal ramifications if cleanup is not done.

Council Members Robert Dekker and Dale Roper requested that the City Council be cautious in implementing enforcement of the ordinance. Attorney Waddingham suggested that, if the Mayor was to sign the initial letter, it should state the findings of the committee and not put the Mayor in an adversarial role in order to avoid tainting his position on the appeals board.

Following discussion, Council Member Glen Swalberg MOVED to table discussion of beautification ordinance enforcement until the next meeting of the City Council in order to allow Attorney Waddingham time to draft an initial letter. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

VINCE LOPEZ: REQUEST FOR STREET SWEEPING AT ANTELOPE VALLEY RV PARK

Mr. Vince Lopez stated that he was coming before the City Council to request some assistance at Antelope Valley RV Park. He has attempted to maintain the streets in the park by sweeping the streets himself, but it is extremely difficult. He approached the Public Works department requesting assistance in sweeping the streets in the park and was told that he should take his request to the City Council. Mr. Lopez understands that his park is located outside the City limits, but would like assistance from the City in keeping the streets in the RV park clean. He is anxious to do his part in keeping his area clean, neat, and tidy for visitors to Delta. He explained that he is not requesting regular street sweeping services, but would greatly appreciate having the street sweeper come through the park on an occasional basis. It currently takes two people approximately 10 days to sweep the street in the park. Mayor Dafoe advised Mr. Lopez that current policy is that the City does not extend its services beyond the City limits. Council Member Gayle Bunker stated that if the City sweeps the street in Mr. Lopez' RV park, the City

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should make their services available to the parking lots of other businesses around town. Council Member Bunker stated that, inasmuch as there is no one doing street or parking lot sweeping commercially, he would not be opposed to the City doing the service, on a compensated basis, for anyone who might request it.

In addition, Council Member Bunker felt that, if the City is going to sweep the street in the RV park, a dollar amount per hour should be set and make the service available to other businesses. The Council Members agreed that, in the event someone came in to perform this service commercially, the City would immediately stop providing the service. Mayor Dafoe recommended that the street should be swept one time in order to determine whether the sweeper would do what Mr. Lopez wants done and see how much time is involved.

Following discussion, Council Member Gayle Bunker made a MOTION to instruct the Public Works Department to sweep the street at Antelope Valley RV Park one time, at the rate of \$50 per hour, with a minimum charge of \$50, then evaluate the results at the next City Council meeting to determine whether to continue it as a general policy. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed by a majority vote, with Council Member Robert Dekker voting against.

MAYOR DON DAFOE: ORDINANCE APPROVING DELTA NORTH ANNEXATION AND ADOPTING A POLICY DECLARATION STATEMENT THERETO

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH ADOPTING AMENDMENTS TO THE DELTA CITY MASTER ANNEXATION POLICY DECLARATION PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF DELTA CITY, ESTABLISHING THE ZONE DISTRICT CLASSIFICATIONS FOR THE ANNEXED TERRITORY AND GIVING FINAL ACCEPTANCE TO THE ANNEXATION PETITION SUBMITTED BY VARIOUS PROPERTY OWNERS WITH RESPECT TO THE ANNEXATION IDENTIFIED AS THE "NORTH DELTA ANNEXATION."

Mayor Dafoe explained that this ordinance is the final step in the annexation process, as far as the City Council is concerned.

Once the ordinance is adopted, it must be recorded and published in the local newspaper; it then becomes effective.

The Council briefly reiterated the procedural steps requisite for annexation, namely: a petition, together with a certified plat from property owners requesting annexation was filed with Delta City, a resolution accepting the petition was adopted as Resolution No. 96-240, reconsidered and ratified by Resolution

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No. 96-241; a policy declaration statement, community impact evaluation statement and legal opinion was prepared and submitted pursuant to the Delta City Master Annexation Policy. The Planning & Zoning Commission reviewed the petition, and the aforementioned documents, and recommended that the City Council set a public hearing to consider adoption of the policy declaration statement and adoption of an annexation ordinance. Public notice was published for thirty days prior to a public hearing and a Public Hearing was held, with no objection to the annexation. There was no objection by an effected entity five (5) days following the public hearing. Mayor Dafoe recommended that the ordinance be adopted completing the annexation of the North Delta area.

Council Member Gayle Bunker stated, for the record, that he may have a conflict of interest regarding this annexation in that he is one of the petitioners for annexation.

Council Member Robert Dekker questioned whether there were sufficient Council Members present to vote on the annexation with Council Member Bunker abstaining from the vote. It was noted that Council Member Robert Droubay could be reached on his cellular phone. Attorney Waddingham noted that the Council must also make two findings; i.e., one being that the proposed annexation policy declaration, in the judgment of the Council, meets state law, and, the second, that there have been no protests filed by an affected entity within five days of the Public Hearing. The Council found that the policy declaration met the requirements of state law, and that no protests were filed by an affected entity within five (5) days of the Public Hearing. The Policy Declaration is attached to the Ordinance as Exhibit "A", the plat is attached as Exhibit "B", and a copy of a map marked Exhibit "C" sets forth the zones in the annexed area.

Mayor Dafoe requested clarification from Attorney Waddingham whether the annexation ordinance vote required 2/3 of the Council Members. Attorney Waddingham clarified that 2/3 affirmative vote of the entire Council is required. Mayor Dafoe contacted Council Member Robert Droubay by telephone and requested that he come to the Council Meeting in order to hold a vote on the annexation.

Upon Council Member Robert Droubay's arrival, Council Member Robert Dekker MOVED to adopt Ordinance No. 96-174 approving the Delta North Annexation and adopting the Policy Declaration statement thereto. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

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Robert Dekker	Yes
Robert Droubay	Yes
Dale Roper	Yes
Gayle Bunker	Abstain
Glen Swalberg	Yes

The ordinance approving the Delta North Annexation will become effective upon publication in the local newspaper.

MAYOR DON DAFOE: ORDINANCE PROVIDING FOR ZONE CHANGE FROM INDUSTRIAL DEVELOPMENT (ID) TO RESIDENTIAL (R-4)

AN ORDINANCE OF THE CITY COUNCIL OF DELTA, UTAH AMENDING THE ZONE DISTRICT BOUNDARIES TO RECLASSIFY CERTAIN PROPERTY LOCATED WITHIN THE BOUNDARIES OF 350 NORTH TO 500 WEST AND 200 NORTH TO 500 NORTH AND LOCATED WITHIN THE BOUNDARIES OF 450 WEST TO 500 WEST AND 50 SOUTH TO 400 SOUTH, DELTA, UTAH FROM INDUSTRIAL TO R-4 (MULTIPLE FAMILY/COMMERCIAL).

Mayor Dafoe explained that this zone change affects property located within the boundaries of Delta City located between 350 West to 500 West and 200 North to 500 North, and 50 South to 400 South between 400 West and 500 West, all of which is presently zoned Industrial Development. A petition was filed with the Planning Commission for a zone change to comply with the request of the property owners to R-4 (Multiple Family/Commercial). The Planning Commission recommended approval of the zone change. The City Council conducted a Public Hearing on the proposed zone change on July 1, 1996. There was no opposition to the proposed zone change at the Public Hearing.

Mayor Dafoe recommended that the City Council adopt this ordinance. Council Member Gayle Bunker requested clarification that Cardwell Distributing, Big J, and Utah Power & Light properties are not a part of this zone change. Zoning Officer Neil Forster stated that those properties are excluded. Also excluded is the property where Delta Welders is located and the property located next to Delta Welders where Mr. Lazareno is operating a rock shop. Council Member Gayle Bunker MOVED to approve Ordinance 96-173 changing zoning from Industrial Development (ID) to R-4. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Robert Dekker	Yes
Dale Roper	Yes
Gayle Bunker	Yes

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Glen Swalberg
Robert Droubay

Yes
Absent for this vote

Attorney Waddingham explained that the zone change will become effective upon publication in the local newspaper. Attempt will be made to have the ordinance published this week.

OTHER BUSINESS

Council Member Gayle Bunker noted that since the curb has been installed on 50 North behind the new Droubay service building, many vehicles are being parked on the street, which causes a very narrow street. Council Member Bunker would like to suggest that the street be made a "No Parking" street due to the large amount of traffic on that street. There was discussion regarding transports unloading vehicles in the street behind the service building, as well as delivery trucks making deliveries to various businesses in town. It was felt that the temporary unloading of trucks to various businesses was not a problem, just the daily parking in the street behind the Droubay service building.

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Mayor Dafoe requested discussion on the policy set up in the early 1980s for a vehicle allowance for Neil Forster. He stated that Mr. Forster had been given the vehicle allowance in order to give him a pay raise at that time, which would not be included as salary, in compliance with IRS regulations regarding vehicle allowances being non-taxable. Mayor Dafoe stated that Mr. Forster is currently receiving \$250 per month vehicle allowance and IRS rules have changed to require vehicle allowances to be included as part of income. Mayor Dafoe would like to propose that the \$250 vehicle allowance be eliminated and made a part of Mr. Forster's salary, and the City would provide him with a company vehicle. The Council Members agreed that this change should be made when the new vehicle is in service.

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Council Member Gayle Bunker questioned whether the City is going to have a summer party for employees and suggested that those persons who helped with the Fourth of July celebration be invited to the party. Mayor Dafoe advised the Council that we normally send a plant to the chairmen to thank them for their efforts.

Public Works Director Neil Forster reported that they have advertised the vacant position in the Public Works Department,

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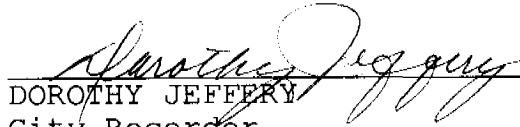
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have evaluated resumes and interviewed five applicants. The job was offered to one of the applicants, who declined. The job was offered to the second choice, Bryce Tolbert, who has accepted the position and will be on the job next Monday, July 15th. He does, however, live outside the City boundaries. He is approximately 9 miles out of town. However, the Council felt he could make the required 15 minute response time.

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Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:05 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY
City Recorder

MINUTES APPROVED: RCCM 08-12-96